

EXHIBIT E

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

Suits Naming Specialty Surgery Center, PLLC)
_____)

**SSC DEFENDANTS' PRIVILEGE LOG FOR DOCUMENTS PRODUCED BY
CUMBERLAND MEDICAL CENTER**

Defendants Specialty Surgery Center, Crossville, PLLC ("SSC"), Kenneth R. Lister, MD ("Dr. Lister"), and Kenneth Lister, MD, PC ("Dr. Lister's Practice") (collectively, "SSC Defendants") submit the following privilege log for the documents produced by Cumberland Medical Center and reviewed for privilege by the SSC Defendants' pursuant to Magistrate Boal's order at Doc. 3015.

The privilege log is divided into two separate tables:

Table 1 identifies (1) the files that contain redactions by Bates-number, (2) the privilege(s) applicable to each redacted file, and (3) a description of the redacted information.

Table 2 identifies (1) the categories of documents withheld entirely, (2) the privilege(s) applicable to each category, (3) a description of the information withheld, (4) the senders/recipients of each category of documents, and (5) the estimated number of files withheld for each category.

TABLE 1

Description of Information Redacted	Privilege Asserted	Bates-Numbered Page(s)
<p>Information pertaining to activities undertaken as part of SSC's Continuous Quality Improvement program specifically related to physician conduct, competency, and ability to practice medicine, including the results of physicians' review of medical records for randomly-selected patients of other SSC physicians; incidents that occurred during procedures, investigations, and corrective action (e.g., hypoxic events, allergic reactions, etc.); reports of post-operative infections, investigation, and corrective action; reports of post-operative admissions, investigation, and corrective action; sentinel event reports; root cause analyses; reports of surgical delays caused by physicians and corrective action; grant and revocation of privileges at SSC; credentialing; coding/billing audits and corrective actions recommended by Calisher & Associates; a benchmark study on physician Propofol usage and corrective action; an issue involving a ASA Level IV patient and corrective</p>	<p>Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272; Peer Review Privilege Tenn. Code Ann. § 63-6-219</p>	<p>CMC Subpoena Response E-Discovery 0009580 CMC Subpoena Response E-Discovery 0009582 CMC Subpoena Response E-Discovery 0009594 CMC Subpoena Response E-Discovery 0009636 CMC Subpoena Response E-Discovery 0009641 CMC Subpoena Response E-Discovery 0009969 CMC Subpoena Response E-Discovery 0009985 CMC Subpoena Response E-Discovery 0009988 CMC Subpoena Response E-Discovery 0010024 CMC Subpoena Response E-Discovery 0010029 CMC Subpoena Response E-Discovery 0010037 CMC Subpoena Response E-Discovery 0010041 CMC Subpoena Response E-Discovery 0010045 CMC Subpoena Response E-Discovery 0010082 CMC Subpoena Response E-Discovery 0010084 CMC Subpoena Response E-Discovery 0010088 CMC Subpoena Response E-Discovery 0010089 CMC Subpoena Response E-Discovery 0010090 CMC Subpoena Response E-Discovery 0010091 CMC Subpoena Response E-Discovery 0010092 CMC Subpoena Response E-Discovery 0010095 CMC Subpoena Response E-Discovery 0010097 CMC Subpoena Response E-Discovery 0010099 CMC Subpoena Response E-Discovery 0010101 CMC Subpoena Response E-Discovery 0010102 CMC Subpoena Response E-Discovery 0010105</p>

<p>action; and an issue involving diversion of controlled substances by a physician who left SSC several years before the outbreak and his subsequent enrollment in a Tennessee Medical Foundation program for substance abuse.</p>		<p>CMC Subpoena Response E-Discovery 0010107 CMC Subpoena Response E-Discovery 0010110 CMC Subpoena Response E-Discovery 0010112 CMC Subpoena Response E-Discovery 0010114 CMC Subpoena Response E-Discovery 0010116 CMC Subpoena Response E-Discovery 0010118 CMC Subpoena Response E-Discovery 0034440 CMC Subpoena Response E-Discovery 0049832 CMC Subpoena Response E-Discovery 0049850 CMC Subpoena Response E-Discovery 0049864 CMC Subpoena Response E-Discovery 0133014 CMC Subpoena Response E-Discovery 0143878 CMC Subpoena Response E-Discovery 0144251</p>
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<p>Emails between Jean Atkinson and counsel¹ containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation.</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>CMC Subpoena Response E-Discovery 0139351 CMC Subpoena Response E-Discovery 0139354 CMC Subpoena Response E-Discovery 0139413 CMC Subpoena Response E-Discovery 0139497 CMC Subpoena Response E-Discovery 0139565 CMC Subpoena Response E-Discovery 0140204 CMC Subpoena Response E-Discovery 0140211 CMC Subpoena Response E-Discovery 0140248 CMC Subpoena Response E-Discovery 0140254 CMC Subpoena Response E-Discovery 0140393 CMC Subpoena Response E-Discovery 0140404 CMC Subpoena Response E-Discovery 0140406 CMC Subpoena Response E-Discovery 0140434 CMC Subpoena Response E-Discovery 0140655 CMC Subpoena Response E-Discovery 0140720 CMC Subpoena Response E-Discovery 0141183 CMC Subpoena Response E-Discovery 0141516 CMC Subpoena Response E-Discovery 0142588 CMC Subpoena Response E-Discovery 0145253 CMC Subpoena Response E-Discovery 0145254 CMC Subpoena Response E-Discovery 0145296 CMC Subpoena Response E-Discovery 0145298 CMC Subpoena Response E-Discovery 0145436 CMC Subpoena Response E-Discovery 0145518 CMC Subpoena Response E-Discovery 0145647 CMC Subpoena Response E-Discovery 0145650 CMC Subpoena Response E-Discovery 0146203 CMC Subpoena Response E-Discovery 0146267 CMC Subpoena Response E-Discovery 0147040</p>
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¹ Gideon, Cooper & Essary, PLLC and/or Peter Strianse.

Email from Kim Bowlin to Calisher & Associates ² conveying substance of discussion between Jean Atkinson and counsel.	Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege	CMC Subpoena Response E-Discovery 0140406 CMC Subpoena Response E-Discovery 0145518 CMC Subpoena Response E-Discovery 0145650
Email exchange between Kim Bowlin and counsel conveying information on behalf of Jean Atkinson due to a failure of Jean Atkinson's computer.	Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege	CMC Subpoena Response E-Discovery 0140655 CMC Subpoena Response E-Discovery 0145296 CMC Subpoena Response E-Discovery 0145298
Emails between STOPNC/Howell Allen, ³ or Donald Jones, MD ⁴ and counsel containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation.	Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege	CMC Subpoena Response E-Discovery 0140146 CMC Subpoena Response E-Discovery 0140162 CMC Subpoena Response E-Discovery 0140164 CMC Subpoena Response E-Discovery 0140171 CMC Subpoena Response E-Discovery 0145188 CMC Subpoena Response E-Discovery 0145199 CMC Subpoena Response E-Discovery 0145201 CMC Subpoena Response E-Discovery 0145518 CMC Subpoena Response E-Discovery 0146168 CMC Subpoena Response E-Discovery 0146182

² Ron Calisher, Gina Calisher, Kevin Calisher, and/or Brandon Kowarsky.

³ John Culclasure, MD, Debra Schamberg, Greg Lanford, MD, Scott Butler, Dawn Rudolph, Dale Batchelor, MD, Craig Polkow, and/or Berry Holt.

⁴ References to Dr. Jones also include Joy Day, who worked in Dr. Jones' office.

Information pertaining to activities undertaken as part of SSC's Continuous Quality Improvement program, including nursing chart audits and corrective action; patient satisfaction survey results; investigations of equipment malfunctions affecting patient care and corrective actions; coding/billing audits and corrective actions recommended by Calisher & Associates; procedure cancellations and delays and corrective actions; results of pharmaceutical audit from pharmacist Tommy Arms; medication errors and corrective actions; patient incidents not involving physician conduct and corrective action (e.g., patient falls); periodic review of facility by Jean Atkinson or Calisher & Associates and corrective action (e.g. ensuring shelving in storage room is appropriate height above floor as required by applicable regulations, overall workflow and efficiency of facility, etc.); results of licensing and accreditation surveys and corrective action; HIPAA incidents, investigations, and corrective action; incorrect narcotic counts, investigation, and corrective action; Propofol usage study and corrective action; study on appropriate hair removal prior to surgery and	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	CMC Subpoena Response E-Discovery 0009591 CMC Subpoena Response E-Discovery 0009593 CMC Subpoena Response E-Discovery 0009599 CMC Subpoena Response E-Discovery 0009605 CMC Subpoena Response E-Discovery 0009608 CMC Subpoena Response E-Discovery 0009610 CMC Subpoena Response E-Discovery 0009612 CMC Subpoena Response E-Discovery 0009613 CMC Subpoena Response E-Discovery 0009618 CMC Subpoena Response E-Discovery 0009622 CMC Subpoena Response E-Discovery 0009628 CMC Subpoena Response E-Discovery 0009632 CMC Subpoena Response E-Discovery 0009645 CMC Subpoena Response E-Discovery 0009647 CMC Subpoena Response E-Discovery 0009650 CMC Subpoena Response E-Discovery 0009653 CMC Subpoena Response E-Discovery 0009657 CMC Subpoena Response E-Discovery 0009670 CMC Subpoena Response E-Discovery 0009906 CMC Subpoena Response E-Discovery 0009964 CMC Subpoena Response E-Discovery 0009975 CMC Subpoena Response E-Discovery 0009979 CMC Subpoena Response E-Discovery 0009983 CMC Subpoena Response E-Discovery 0009992 CMC Subpoena Response E-Discovery 0009995 CMC Subpoena Response E-Discovery 0009999 CMC Subpoena Response E-Discovery 0010004 CMC Subpoena Response E-Discovery 0010005 CMC Subpoena Response E-Discovery 0010012 CMC Subpoena Response E-Discovery 0010016 CMC Subpoena Response E-Discovery 0010017 CMC Subpoena Response E-Discovery 0010018
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corrective action; study on pain management patients completed without payment to SSC and corrective action; a report from a program to improve safe injection practices at SSC; a report from a study of sterile trays after wrappers were found to have holes in them and corrective action; study on proper administration of antibiotics prior to general surgery and corrective action; report from a study monitoring radiation dosimetry; results of study on patient signatures on forms regarding HIPAA and corrective action; results of pre-op procedure wait time and discharge time and corrective actions; results and corrective action from an internal audit on HIPAA compliance; sentinel event reports; root cause analyses; an issue with the care provided by a CRNA during non-pain management cases; an issue with patients sexually harassing staff members and corrective action; results of study on patient follow-up calls and corrective action; results of a study on supply costs for endoscopy and pain management and corrective action; an issue with excessive condensation in the operating room and corrective action; discussion about reducing clinical staff.		CMC Subpoena Response E-Discovery 0010020 CMC Subpoena Response E-Discovery 0010032 CMC Subpoena Response E-Discovery 0010053 CMC Subpoena Response E-Discovery 0010055 CMC Subpoena Response E-Discovery 0010062 CMC Subpoena Response E-Discovery 0010075 CMC Subpoena Response E-Discovery 0023699 CMC Subpoena Response E-Discovery 0023734 CMC Subpoena Response E-Discovery 0027030 CMC Subpoena Response E-Discovery 0027168 CMC Subpoena Response E-Discovery 0027441 CMC Subpoena Response E-Discovery 0028466 CMC Subpoena Response E-Discovery 0034697 CMC Subpoena Response E-Discovery 0034935 CMC Subpoena Response E-Discovery 0049891 CMC Subpoena Response E-Discovery 0049901 CMC Subpoena Response E-Discovery 0059954 CMC Subpoena Response E-Discovery 0059969 CMC Subpoena Response E-Discovery 0059971 CMC Subpoena Response E-Discovery 0092646 CMC Subpoena Response E-Discovery 0133014 CMC Subpoena Response E-Discovery 0133235 CMC Subpoena Response E-Discovery 0133304 CMC Subpoena Response E-Discovery 0139601 CMC Subpoena Response E-Discovery 0139602 CMC Subpoena Response E-Discovery 0139614 CMC Subpoena Response E-Discovery 0139615 CMC Subpoena Response E-Discovery 0144204 CMC Subpoena Response E-Discovery 0144217 CMC Subpoena Response E-Discovery 0144230 CMC Subpoena Response E-Discovery 0144233 CMC Subpoena Response E-Discovery 0144234 CMC Subpoena Response E-Discovery 0150191
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<p>Supervisor comments on employee evaluations which address improvements/deficiencies in activities involving patient care.</p>	<p>Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272</p>	<p>CMC Subpoena Response E-Discovery 0058120 CMC Subpoena Response E-Discovery 0139520 CMC Subpoena Response E-Discovery 0139533 CMC Subpoena Response E-Discovery 0141083 CMC Subpoena Response E-Discovery 0141200 CMC Subpoena Response E-Discovery 0141592 CMC Subpoena Response E-Discovery 0141598 CMC Subpoena Response E-Discovery 0141721 CMC Subpoena Response E-Discovery 0143875 CMC Subpoena Response E-Discovery 0143892 CMC Subpoena Response E-Discovery 0147421 CMC Subpoena Response E-Discovery 0147539 CMC Subpoena Response E-Discovery 0156762 CMC Subpoena Response E-Discovery 0180810 CMC Subpoena Response E-Discovery 0183361 CMC Subpoena Response E-Discovery 0183366 CMC Subpoena Response E-Discovery 0188007 CMC Subpoena Response E-Discovery 0188013 CMC Subpoena Response E-Discovery 0189088 CMC Subpoena Response E-Discovery 0189094 CMC Subpoena Response E-Discovery 0193655 CMC Subpoena Response E-Discovery 0193660 CMC Subpoena Response E-Discovery 0193667 CMC Subpoena Response E-Discovery 0193668 CMC Subpoena Response E-Discovery 0193674 CMC Subpoena Response E-Discovery 0193686 CMC Subpoena Response E-Discovery 0194346 CMC Subpoena Response E-Discovery 0195568 CMC Subpoena Response E-Discovery 0195824 CMC Subpoena Response E-Discovery 0223629 CMC Subpoena Response E-Discovery 0223630 CMC Subpoena Response E-Discovery 0223636</p>
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Non-Plaintiff patient information	HIPAA	CMC Subpoena Response E-Discovery 0009594 CMC Subpoena Response E-Discovery 0016342 CMC Subpoena Response E-Discovery 0016373 CMC Subpoena Response E-Discovery 0016395 CMC Subpoena Response E-Discovery 0016412 CMC Subpoena Response E-Discovery 0016434 CMC Subpoena Response E-Discovery 0016445 CMC Subpoena Response E-Discovery 0016468 CMC Subpoena Response E-Discovery 0016480 CMC Subpoena Response E-Discovery 0016497 CMC Subpoena Response E-Discovery 0016500 CMC Subpoena Response E-Discovery 0016526 CMC Subpoena Response E-Discovery 0016535 CMC Subpoena Response E-Discovery 0016544 CMC Subpoena Response E-Discovery 0016557 CMC Subpoena Response E-Discovery 0016585 CMC Subpoena Response E-Discovery 0016591 CMC Subpoena Response E-Discovery 0016604 CMC Subpoena Response E-Discovery 0016612 CMC Subpoena Response E-Discovery 0016634 CMC Subpoena Response E-Discovery 0016681 CMC Subpoena Response E-Discovery 0016687 CMC Subpoena Response E-Discovery 0016791 CMC Subpoena Response E-Discovery 0016810 CMC Subpoena Response E-Discovery 0016837 CMC Subpoena Response E-Discovery 0016856 CMC Subpoena Response E-Discovery 0016868 CMC Subpoena Response E-Discovery 0016884 CMC Subpoena Response E-Discovery 0016891 CMC Subpoena Response E-Discovery 0016895 CMC Subpoena Response E-Discovery 0016904 CMC Subpoena Response E-Discovery 0016920
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Sensitive and irrelevant financial data, including amounts of distributions to SSC members, ⁵ revenue/income, and SSC asset values	Financial information	CMC Subpoena Response E-Discovery 0001629 CMC Subpoena Response E-Discovery 0022785 CMC Subpoena Response E-Discovery 0023858 CMC Subpoena Response E-Discovery 0025282 CMC Subpoena Response E-Discovery 0025285 CMC Subpoena Response E-Discovery 0025288 CMC Subpoena Response E-Discovery 0025290 CMC Subpoena Response E-Discovery 0025292 CMC Subpoena Response E-Discovery 0025294 CMC Subpoena Response E-Discovery 0025296 CMC Subpoena Response E-Discovery 0025298 CMC Subpoena Response E-Discovery 0025300 CMC Subpoena Response E-Discovery 0025302 CMC Subpoena Response E-Discovery 0025304 CMC Subpoena Response E-Discovery 0025306 CMC Subpoena Response E-Discovery 0025308 CMC Subpoena Response E-Discovery 0025310 CMC Subpoena Response E-Discovery 0025312 CMC Subpoena Response E-Discovery 0025320 CMC Subpoena Response E-Discovery 0026862 CMC Subpoena Response E-Discovery 0026911 CMC Subpoena Response E-Discovery 0026932 CMC Subpoena Response E-Discovery 0026952 CMC Subpoena Response E-Discovery 0026979

⁵ Dr. Lister, Jon Simpson, MD, Donathan Ivey, MD, Susan Pick, MD, Mark Fox, MD, Mark Lee, MD, and/or Robert Nichols, MD.

		CMC Subpoena Response E-Discovery 0027006 CMC Subpoena Response E-Discovery 0027129 CMC Subpoena Response E-Discovery 0027130 CMC Subpoena Response E-Discovery 0027132 CMC Subpoena Response E-Discovery 0027133 CMC Subpoena Response E-Discovery 0027402 CMC Subpoena Response E-Discovery 0027406 CMC Subpoena Response E-Discovery 0027422 CMC Subpoena Response E-Discovery 0027438 CMC Subpoena Response E-Discovery 0028432 CMC Subpoena Response E-Discovery 0028435 CMC Subpoena Response E-Discovery 0028465 CMC Subpoena Response E-Discovery 0033065 CMC Subpoena Response E-Discovery 0033069 CMC Subpoena Response E-Discovery 0033416 CMC Subpoena Response E-Discovery 0033417 CMC Subpoena Response E-Discovery 0033423 CMC Subpoena Response E-Discovery 0033835 CMC Subpoena Response E-Discovery 0034242 CMC Subpoena Response E-Discovery 0034311 CMC Subpoena Response E-Discovery 0034332 CMC Subpoena Response E-Discovery 0034346 CMC Subpoena Response E-Discovery 0034425 CMC Subpoena Response E-Discovery 0034549 CMC Subpoena Response E-Discovery 0034558 CMC Subpoena Response E-Discovery 0034577 CMC Subpoena Response E-Discovery 0034604 CMC Subpoena Response E-Discovery 0034717 CMC Subpoena Response E-Discovery 0034720 CMC Subpoena Response E-Discovery 0034756 CMC Subpoena Response E-Discovery 0034818 CMC Subpoena Response E-Discovery 0038531 CMC Subpoena Response E-Discovery 0038572
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CMC Subpoena Response E-Discovery 0039245		
CMC Subpoena Response E-Discovery 0039265		
CMC Subpoena Response E-Discovery 0040114		
CMC Subpoena Response E-Discovery 0043230		
CMC Subpoena Response E-Discovery 0043271		
CMC Subpoena Response E-Discovery 0043830		
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CMC Subpoena Response E-Discovery 0055711		
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		CMC Subpoena Response E-Discovery 0219367 CMC Subpoena Response E-Discovery 0219579 CMC Subpoena Response E-Discovery 0219790 CMC Subpoena Response E-Discovery 0220001 CMC Subpoena Response E-Discovery 0220212 CMC Subpoena Response E-Discovery 0220639 CMC Subpoena Response E-Discovery 0220852 CMC Subpoena Response E-Discovery 0221065 CMC Subpoena Response E-Discovery 0221277 CMC Subpoena Response E-Discovery 0221489 CMC Subpoena Response E-Discovery 0221700 CMC Subpoena Response E-Discovery 0221911 CMC Subpoena Response E-Discovery 0222120 CMC Subpoena Response E-Discovery 0222328 CMC Subpoena Response E-Discovery 0223620 CMC Subpoena Response E-Discovery 0225721 CMC Subpoena Response E-Discovery 0225725 CMC Subpoena Response E-Discovery 0225964 CMC Subpoena Response E-Discovery 0225966 CMC Subpoena Response E-Discovery 0225984 CMC Subpoena Response E-Discovery 0228672
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TABLE 2

Description of Information Withheld	Senders/Recipients	Privilege Asserted	Files Withheld⁶
<p>Emails between Jean Atkinson and counsel containing advice or information from counsel, seeking advice or information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation.</p>	<p>Jean Atkinson, counsel, Kim Bowlin, SSC members, Calisher & Associates, STOPNC/Howell Allen, and/or Dr. Jones</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>36</p>
<p>Email exchange between Jean Atkinson and counsel containing advice or information from counsel, seeking advice or information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded to Calisher & Associates and SSC members.</p>	<p>Jean Atkinson, counsel, Kim Bowlin, Calisher & Associates, and/or SSC members</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>1</p>

⁶ Estimated.

<p>Email exchange between Jean Atkinson and counsel containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded to Calisher & Associates.</p>	<p>Jean Atkinson, counsel, Kim Bowlin, and/or Calisher & Associates</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>1</p>
<p>Email exchange between Jean Atkinson, STOPNC/Howell Allen, Dr. Jones, Dr. Lister, and counsel containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Jean Atkinson forwarded to Calisher & Associates and Kim Bowlin.</p>	<p>STOPNC/Howell Allen, Dr. Jones, Jean Atkinson, counsel, Kim Bowlin, Calisher & Associates, and/or SSC members</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>1</p>

<p>Email from counsel to STOPNC/Howell Allen, Dr. Jones, Kim Bowlin, and Dr. Lister containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded to Calisher & Associates and SSC members.</p>	<p>STOPNC/Howell Allen, Dr. Jones, counsel, Kim Bowlin, Calisher & Associates, and/or SSC members</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>3</p>
<p>Email from counsel to STOPNC/Howell Allen, Dr. Jones, Kim Bowlin, and Dr. Lister containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded to Jean Atkinson, Calisher & Associates, and SSC members.</p>	<p>STOPNC/Howell Allen, Dr. Jones, Jean Atkinson, counsel, Kim Bowlin, Calisher & Associates, and/or SSC members</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>6</p>

<p>Email from counsel to STOPNC/Howell Allen, Dr. Jones, Kim Bowlin, and Dr. Lister containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded to Jean Atkinson and Calisher & Associates.</p>	<p>STOPNC/Howell Allen, Dr. Jones, Jean Atkinson, counsel, Kim Bowlin, Calisher & Associates, and/or Dr. Lister</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>1</p>
<p>Email from counsel to STOPNC/Howell Allen, Dr. Jones, Kim Bowlin, and Dr. Lister containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded to Jean Atkinson.</p>	<p>STOPNC/Howell Allen, Dr. Jones, Jean Atkinson, counsel, Dr. Lister, and/or Kim Bowlin</p>	<p>Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege</p>	<p>2</p>

Email from counsel to STOPNC/Howell Allen, Dr. Jones, Kim Bowlin, and Dr. Lister containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation, which Kim Bowlin forwarded Calisher & Associates.	STOPNC/Howell Allen, Dr. Jones, counsel, Kim Bowlin, Dr. Lister, and/or Calisher & Associates	Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege	3
Email exchange between Kim Bowlin and counsel updating counsel on the status of Jean Atkinson's execution of an affidavit for the TN Board of Pharmacy's board action against SSC and Barry Cadden	Kim Bowlin and counsel	Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege	1
Emails between STOPNC/Howell Allen or Dr. Jones and counsel containing advice or information from counsel, seeking advice or information from counsel, or providing information to counsel for the purposes of obtaining advice from counsel, or emails containing information prepared in anticipation of litigation.	STOPNC/Howell Allen, Dr. Jones, counsel, and Kim Bowlin, SVMIC claims attorneys, Jean Atkinson, SSC members, and/or Calisher & Associates	Attorney-Client Privilege; Work Product Doctrine; Common-Interest/Joint Defense Privilege	105

Email discussion about performing lumbar punctures during meningitis outbreak at SSC due to Cumberland Medical Center's inability to handle volume and attendant credentialing and potential safety issues.	Counsel, SVMIC claims attorney, SSC members, Calisher & Associates, and/or Kim Bowlin	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272; Peer Review Privilege Tenn. Code Ann. § 63-6-219	3
Email exchange about credentialing/re-credentialing Dr. Lister in March 2013	Kim Bowlin and Dr. Lister	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272; Peer Review Privilege Tenn. Code Ann. § 63-6-219	1
Email exchange about Dr. Lister's credentialing in June 2012	Kim Bowlin and Gina Calisher	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272; Peer Review Privilege Tenn. Code Ann. § 63-6-219	1
Letter dated November 11, 2012 from Gina Calisher to SSC members about potential HIPAA issues sending protected health information via email and proposed corrective action.	Gina Calisher, SSC members, and/or Kim Bowlin	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	3 copies of same letter

Letter dated December 15, 2009 from Calisher & Associates to SSC members regarding review of clinical staff training, education, and experience with proposed corrective action.	Calisher & Associates and SSC members	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	1
Email discussion in January 2013 about safety of restarting injections in patients who received contaminated MPA, with input provided by consulting infectious disease specialists.	Dr. Lister, Kim Bowlin, and/or counsel	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	2
Email in August 2011 about CRNAs writing orders and giving verbal orders and required sign-off by physician/anesthesiologist and corrective action.	Kim Bowlin and Calisher & Associates	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	1
Email discussion in January 2012 about root cause analysis for missing narcotics, root cause analysis form, investigation, and corrective action.	Jean Atkinson, Calisher & Associates, and/or Kim Bowlin	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	4

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

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* Admitted pursuant to MDL Order No. 1

** Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of November, 2016, a true and accurate copy of the foregoing was served on the following by electronic mail.

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/s/ Matthew H. Cline
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